IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

WP(C).No. 31253 of 2007(U)

PETITIONER:

A.MOIDEENKOYA, S/O.CHERIYA BAVA,
RESIDING AT ANGAMMAN HOUSE, OTTUMMAL P.O.,
PARAPPANANGADI, MALAPPURAM DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:

---

1. PARAPPANANGADI GRAMA PANCHAYAT,
PARAPPANANGADI, MALAPPURAM DISTRICT-676 303,
REPRESENTED BY ITS SECRETARY.

2. THE FISHERIES DIRECTOR, KERALA
FISHERIES DEPARTMENT, THIRUVANANTHAPURAM.

3. DEPUTY DIRECTOR, FISHERIES DEPARTMENT,
PONNANI, MALAPPURAM DISTRICT/.

BY G.P. SRI.MUHAMMED ANZAAR (R2 & R3)

BY S.C. SRI.HARISH R.MENON (R1)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 31253 of 2007

Dated this the 22nd day of October, 2007

JUDGMENT

The petitioner is a fisherman operating within the area of Parappanangadi Grama Panchayat. His grievance is that though under Ext.P1 order permissive occupation was granted by the Fisheries Department in respect of 5 cents of land belonging to the Department for the construction of Matsya Bhavan within the area of the Panchayat, there is a move now to shift the Matsya Bhavan presently functioning in a rented building to a building which will be most inconvenient to the fishermen like the petitioner who are to be the beneficiaries of Matsya Bhavan. Ext.P3 representation has been submitted by the petitioner before the Secretary of the Panchayat. The prayers in the writ petition are the following :

> "(i). A writ of a mandamus or any other writ, order or direction directing the 1st respondent Panchayat herein to shift the office of the Matsya Bhavan to the newly constructed building situated at Chappappady, Ottummal, Parappanangadi within a time limit to be prescribed by this Court.
>
> ii). Writ of mandamus or any other writ,

> order or direction directing the 2nd and 3rd respondents herein to pass necessary orders to the 1st respondent herein to shift the Matsya Bhavan Office to the newly constructed Matsya Bhavan building situated at Chappappady Parappanangadi.

2. Even though the prayers in the writ petition are that the Matsya Bhavan should be shifted to the newly constructed building at Chappappady pursuant to Ext.P1 order, it is seen from Ext.P3 representation submitted by the Trade Union to which the petitioner belongs that the petitioner anxious request is only that inconvenience and hardship to the fishermen should be avoided.

3. I have considered the submissions of Sri. Santheep Ankarath, the learned counsel for the petitioner and Sri. Harsih R.Menon, the learned Standing Counsel for the Panchayat and the learned Government Pleader for respondents 2 and 3. I do not propose to decide the grounds raised on their merits. Ext.P3 is pending before the Panchayat. The Secretary of the Panchayat will seek the views of the 3rd respondent (Deputy Director of Fisheries) on Ext.P3 and hear the petitioner and take a decision thereon. Decision as directed will be taken by the Secretary of the Panchayat within one month of receiving a copy of this judgment. Till such time as decision is taken on Ext.P3, Matsya Bhavan in question will not be shifted to any other building

except the new building building constructed upon 5 cents of land by the Panchayat pursuant to Ext.P1.

PIUS C. KURIAKOSE,
JUDGE.

Dpk